

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

*** DOCKET NO. 2021-2297-ETHICS-A**

IN THE MATTER OF

LISA CHAFFORD

*** AGENCY TRACKING NO. 5121-020**

DECISION AND ORDER

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, requested a hearing to have the Ethics Adjudicatory Board determine whether Lisa Chafford knowingly failed to file a 30-P campaign finance disclosure report in connection with her 2020 candidacy for City Marshal, City Court, City of Bastrop. The Louisiana Board of Ethics proved that Lisa Chafford knowingly failed to file her 30-P campaign finance disclosure report by the sixth day after it was due. The Louisiana Board of Ethics may impose against Lisa Chafford an additional civil penalty not to exceed \$10,000, as allowed by La. R.S. 18:1505.4(A)(4)(a).

APPEARANCES

The hearing in this matter was conducted August 13, 2021, in Baton Rouge before the Ethics Adjudicatory Board, Panel A.¹ Charles E. Reeves Jr., counsel for the Louisiana Board of Ethics, appeared for the hearing. Though properly noticed,² Lisa Chafford did not appear for the hearing.

STATEMENT OF THE CASE

In connection with her 2020 candidacy for City Marshal, City Court, City of Bastrop

¹ The panel consisted of administrative law judges Lance B. Vinson (presiding), A. Brock Avery, and Sherlyn D. Shumpert.

² BOE Exhibit 10 (Division of Administrative Law hearing notice dated June 10, 2021).

(Bastrop City Marshal), the Louisiana Board of Ethics (BOE), in its capacity as the Supervisory Committee on Campaign Finance Disclosure issued a *Late Fee Assessment Order* to Lisa Chafford (Respondent), imposing a \$2,000 penalty and ordering her to file a 30-P campaign finance disclosure report (30-P report). The BOE then requested a hearing to have the Ethics Adjudicatory Board (EAB) determine whether Respondent failed to file her required 30-P report by the sixth day after it was due, which could subject her to an additional civil penalty not to exceed \$10,000 as provided by La. R.S. 18:1505.4(A)(4)(a).

Counsel for the BOE offered eleven exhibits during the hearing, which were admitted into evidence.³ Counsel presented the case on behalf of the BOE, the record was closed, and the matter was submitted for decision.

This adjudication is conducted in accordance with Code of Governmental Ethics, La. R.S. 42:1101, *et. seq.*, the Campaign Financial Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the enabling legislation for the Division of Administrative Law, La. R.S. 49:991, *et seq.*

FINDINGS OF FACT

- 1) Respondent qualified as a candidate for Bastrop City Marshal, in the November 3, 2020, primary election.⁴ Respondent won the election, took the oath of office on December 2, 2020, and was commissioned January 1, 2021.⁵
- 2) Respondent was required to file her 30-P report no later than October 5, 2020, thirty days prior to the November 3, 2020, primary election.⁶

³ All of the exhibits had been certified by affidavit to be true and correct copies of the BOE records. BOE Exhibit 1 (August 3, 2021, affidavit of Carolyn Abadie Landry, Executive Secretary for the BOE).

⁴ See BOE Exhibit 2 (Louisiana Secretary of State certificate and Notice of Candidacy).

⁵ See BOE Exhibit 3 (Louisiana Secretary of State certificate showing the dates Respondent was elected and commissioned as Bastrop City Marshal).

⁶ This report filing requirement is found in La. R.S. 18:1495.4(B)(3).

- 3) Respondent did not file the 30-P report by the October 5, 2020, deadline or, as of August 2, 2021, at any point thereafter.⁷
- 4) On February 24, 2021, the BOE issued a “Late fee assessment for the November 3, 2020 Election” (*Late Fee Assessment Order*) to Respondent that assessed a late fee of \$2,000 and ordered Respondent to file her 30-P report.⁸
- 5) The BOE served Respondent with a copy of the *Late Fee Assessment Order* by certified mail, return receipt requested, and Respondent signed the return receipt card on March 8, 2021.⁹ Respondent was notified in the letter accompanying the *Late Fee Assessment Order* that she could be subject to “an additional \$10,000 penalty” if she failed to file the 30-P report.¹⁰
- 6) The BOE served Respondent with a copy of the *Request for Hearing* by certified mail, return receipt requested, and Respondent signed the return receipt on May 20, 2021.¹¹
- 7) Despite notice of the *Late Fee Assessment Order* and the notice of the hearing being sent to his last known address, Respondent failed to respond to the late fee assessment or appear for the hearing.¹²

CONCLUSIONS OF LAW

Respondent knowingly failed to file her 30-P report by October 12, 2020,¹³ the sixth day after it was due. Because of this failure, the BOE is authorized to impose an additional civil penalty against Respondent pursuant to La. R.S. 18:1505.4(A)(4)(b).

Adjudicatory hearings under La. R.S. 18:1505.4(A)(4)(a)-(b) cover two kinds of campaign

⁷ BOE Exhibit 7 (August 2, 2021, affidavit of Angela Newsom, Director of Campaign Finance for the BOE).

⁸ BOE Exhibit 6 (*Late Fee Assessment Order*).

⁹ *Id.*

¹⁰ *Id.*

¹¹ See BOE Exhibit 5 (*Request for Hearing*).

¹² See BOE Exhibits 6, 10, and 11.

¹³ October 11, 2020, was a Sunday, making October 12, 2020, the applicable date.

finance disclosure reports candidates must file in connection with elections. La. R.S. 18:1505.4(A)(4)(a) addresses reports that candidates must file between the time the candidate qualifies for the election and the election day. La. R.S. 18:1505.4(A)(4)(b) addresses “other reports” candidates must file in connection with an election at other times. In either case, the BOE must prove by clear and convincing evidence¹⁴ that the candidate knowingly¹⁵ failed to file a required report within the six-day or eleven-day period following when it was due, respectively.

Respondent was a successful candidate for Bastrop City Marshal, which is a “district” level office.¹⁶ Every candidate for district office (or her campaign treasurer) is required to file reports of contributions and expenditures on specific days before and after an election.¹⁷ The 30-P is one of the required reports.¹⁸ Respondent was required to file her 30-P report no later than October 5, 2020, thirty days prior to the November 3, 2020, primary election.¹⁹ Respondent did not file a 30-P report by the deadline or within the six days following that deadline.

If, after conducting an adjudicatory hearing, the EAB determines that Respondent knowingly failed to file a required campaign finance disclosure report within the applicable time period, then the BOE may impose an additional civil penalty not to exceed \$10,000 against Respondent for each report that she failed to timely file.²⁰ Respondent’s failure to file her 30-P report within three days after the final date for filing created a rebuttable presumption of intent to not file the report.²¹ Nothing in evidence rebuts this statutory presumption.

¹⁴ See La. R.S. 42:1141.5(C). “‘Clear and convincing evidence’, in general, means that the fact of guilt must be proven to a greater degree than by ‘a mere preponderance of the evidence’ but less than by ‘beyond a reasonable doubt.... The standard requires that the existence of the disputed fact be [h]ighly probable, that is, much more probable than its non-existence.’” *Louisiana State Bar Ass’n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

¹⁵ La. R.S. 18:1505.4(A)(1).

¹⁶ See La. R.S. 18:1483(7)(e).

¹⁷ See La. R.S. 18:1495.4.

¹⁸ La. R.S. 18:1495.4(B)(3).

¹⁹ *Id.*

²⁰ LA. R.S. 18:1505.4(A)(4).


²¹ La. R.S. 18:1505.1(A).

With the benefit of the unrebutted statutory presumption of intent not to file, the BOE proved by clear and convincing evidence that Respondent knowingly violated the CFDA by failing to file her 30-P report within the six-day period after it was due. As a result, the BOE is authorized to impose an additional civil penalty of up to \$10,000 for the report as authorized by La. R.S. 18:1505.4(A)(4)(a).

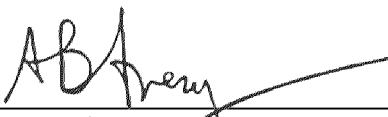
ORDER

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose against Lisa Chafford an additional civil penalty not to exceed \$10,000 as authorized by La. R.S. 18:1505.4(A)(4)(a) for her failure to file a required campaign financial disclosure report within six days after it was due.

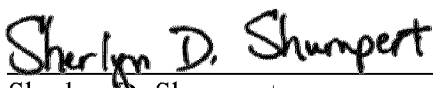
Rendered and signed September 13, 2021, in Baton Rouge, Louisiana.



Lance B. Vinson
Presiding Administrative Law Judge



A. Brock Avery
Administrative Law Judge



Sherlyn D. Shumpert
Administrative Law Judge

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Tuesday, September 14, 2021, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law

REVIEW RIGHTS

Requests for rehearing, reopening, or reconsideration are subject to the procedures, timing requirements, and legal grounds provided in Louisiana Revised Statute 49:959, with the time for filing calculated pursuant to Louisiana Code of Civil Procedure article 5059. The suspension of legal deadlines set forth in the Governor's Proclamation Number 170 JBE 2021 may impact the time limitations on your right to seek rehearing, reopening, or reconsideration of this decision. To determine your review rights, you should act promptly.

To request a rehearing or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:
EABprocessing@adminlaw.la.gov

FAX documents to:
(225) 219-9820

MAIL documents to:
DAL – EAB Section
P. O. Box 44033
Baton Rouge, LA 70804-4033

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 42:1142(A)(1), with the time for requesting judicial review calculated pursuant to La. C.C.P. art 5059. The suspension of legal deadlines set forth in the Governor's Proclamation Number 170 JBE 2021 and the August 31, 2021, *Order* issued by the Louisiana Supreme Court regarding Hurricane Ida may impact the time limitations on your right to seek judicial review of this decision or order. To determine your review rights, you should act promptly.